

11032 U.S. PTO
03/26/01

ARNOLD & PORTER

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March 26, 2001

Assistant Commissioner of Patents
Washington, DC 20231

11046 U.S. PTO
09/816660
03/26/01

Re: US Continuation Application based on U.S. Patent Application No.
09/733,089; filed December 11, 2000
Application No.: To Be Assigned
Filed: March 26, 2001
Title: Nucleic Acid Molecules and Other Molecules
Associated with Transcription in Plants
Inventors: Linda L. LUTFIYYA *et al.*
Atty Docket: 4983.238.01/38-21(15300)G

Sir:

The following documents are forwarded herewith for appropriate action by the
U.S. Patent and Trademark Office:

1. Utility Patent Application Transmittal (PTO/SB/05);
2. U.S. Continuation Application entitled:

**Nucleic Acid Molecules and Other Molecules Associated
with Transcription in Plants**

and naming as inventors:

**Linda L. LUTFIYYA, Stanton B. DOTSON, Wei WU, Jingdong LIU,
James D. MCININCH, and David K. KOVALIC**

Assistant Commissioner for Patents
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the application consisting of:

- a. A specification containing:
 - (i) 622 pages of description prior to the claims;
 - (ii) 7 pages of claims (29 claims); and
 - (iii) a one (1) page abstract;
3. Three (3) CD-ROMs containing the sequence listing;
4. Statement Regarding Sequence Submission;
5. Form PTO/SB/35 (Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i)); and
6. Two (2) return postcards.

This application is being filed without an executed Declaration, and without payment of official fees.

This application is a continuation of application serial number 09/733,089, filed December 11, 2000 (identified as Docket No. 04983.0238.NPUS00/38-21(15300)D).

Submitted herewith is a sequence listing on CD-ROM and a sequence listing Computer Readable Form (CRF) on CD-ROM, in compliance with 37 C.F.R. §§ 1.52(e), 1.77 and 1.823 (as amended in 65 Fed. Reg. 54603).

Three CD-ROMs accompany this transmittal letter: two copies of a sequence listing (Seq. Listing: Copy 1, Seq. Listing: Copy 2), and a sequence listing CRF. Seq. Listing: Copy 1 and Seq. Listing: Copy 2 are identical to each other and to the sequence listing CRF. All three sequence listing CD-ROMs each contain one file called "PA_00309C/TXT" which is 45,480,235 bytes in size (measured in MS-DOS) and was created on March 22, 2001. All CD-ROMs are in IBM-PC machine format, and are MS-DOS and MS-Windows compatible.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other prepaid

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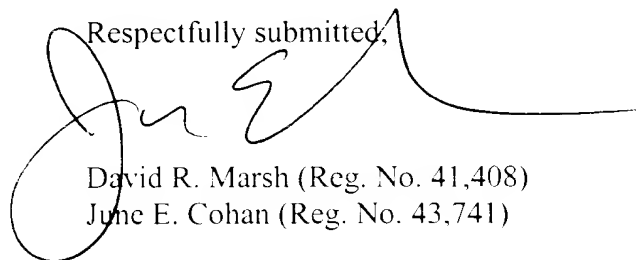
Assistant Commissioner for Patents

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postcard be stamped with the filing date and unofficial number and returned as soon as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'David R. Marsh', written over the typed name.

David R. Marsh (Reg. No. 41,408)

June E. Cohan (Reg. No. 43,741)

Enclosures

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project, 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 4983 238 01/38-21(15300)G

First Inventor Linda L. Lutfiyya

Title Nucleic Acid Molecules and Other Molecules Associated with Transcription in Plants

Express Mail Label No.

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- 1 ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- 2 ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- 3 ☒ Specification [Total Pages 630]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- 4 ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
- 5 Oath or Declaration [Total Pages]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
- 6 ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- 7 ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☒ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

- 9 ☐ Assignment Papers (cover sheet & document(s))
- 10 ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
- 11 ☐ English Translation Document (if applicable)
- 12 ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
- 13 ☐ Preliminary Amendment
- 14 ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- 15 ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- 16 ☒ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- 17 ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09 / 733,089

Prior application information: Examiner not yet assigned

Group / Art Unit: not yet assigned

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

(Insert Customer Number or Bar Code label here)

or ☐ Correspondence address below

Name	David R. Marsh Arnold & Porter				
Address	555 Twelfth Street, N.W.				
City	Washington	State	DC	Zip Code	20004-1206
Country	US	Telephone	(202) 942-5000	Fax	(202) 942-5999

Name (Print/Type)	David R. Marsh/June E. Cohan	Registration No. (Attorney/Agent)	41,408/43,741
Signature	[Signature]		Date March 26, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

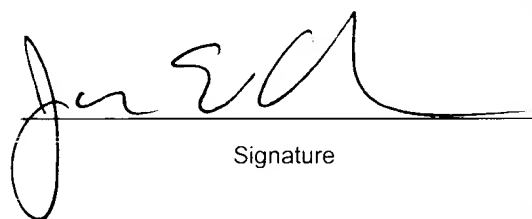
**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Linda L. LUTFIYYA	
Title	Nucleic Acid Molecules and Other Molecules Associated with Transcription in Plants	
Atty Docket Number	4983.238.01/38-21(15300)G	

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 26, 2001

Date



Signature

June E. Cohan (Reg. No. 43,741)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.